

HON. ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA COMMUNITY CREDIT
UNION, also known as COLUMBIA
CREDIT UNION, a Washington nonprofit
corporation,

Plaintiff,

v.

CHICAGO TITLE INSURANCE
COMPANY, a Missouri corporation,

Defendant.

No. C09-5290 RJB

STIPULATION AND ORDER
CONCERNING THE STATE OF
WASHINGTON DEPARTMENT OF
FINANCIAL INSTITUTIONS
RELATED PRODUCTION

NOTE ON MOTION CALENDAR:

August 5, 2010

**I. STIPULATION BETWEEN CHICAGO TITLE INSURANCE COMPANY, COLUMBIA
COMMUNITY CREDIT UNION AND THE STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS**

1. Based on an April 22, 2010 motion and supporting declaration filed by Chicago Title (unopposed by Columbia Community Credit Union), this Court issued two interlocutory Orders (Dkt. Nos. 101 and 106) concerning confidential credit union examination reports of the State of Washington Department of Financial Institutions ("WDFI").

2. As a matter of Washington state law, such examination reports are the property of the State through the official capacity of the Director of WDFI. See

1 RCW 31.12.565(3). Counsel for WDFI entered his appearance as an intervening
2 nonparty objector on July 23, 2010.

3 3. It recently came to the attention of all counsel that neither WDFI nor its
4 Director, Scott Jarvis, was served with any of the following documents: Motion (Dkt.
5 No. 99); Declaration of Richard Spoonemore (Dkt. No. 100); interlocutory Orders dated
6 April 24 and May 4 (Dkt. Nos. 101 and 106).

7 4. WDFI maintains that in the absence of proper service of the Motion to the
8 State, there was no compliance with the notice requirement under either
9 RCW 31.12.565(4) or the Civil Rules, and therefore the interlocutory Orders concerning
10 the examination reports, the property of the State, were issued without jurisdiction or
11 authority of law. Accordingly, pursuant to Fed. R. Civ. P. 45(d)(2)(B), WDFI requested
12 that Chicago Title return or destroy certain material produced to it by Columbia
13 Community Credit Union, and requested that certain deposition testimony based on
14 the examination reports be redacted.

15 5. Chicago Title does not believe that the credit union examination reports,
16 or any documents quoting such reports, are necessary for its defense in this case.
17 Accordingly, the parties do not oppose WDFI's request that certain examination
18 reports and related documents, including certain deposition testimony, in Chicago
19 Title's possession be returned, redacted or destroyed.

20 6. WDFI would have participated in the briefing surrounding the entry of
21 this Court's Orders dated April 24 and May 4 if it had been served with Docket Nos. 99
22 and 100. WDFI therefore seeks to vacate those two interlocutory Orders. Chicago Title
23 and Columbia Community Credit Union support this request.

24 7. Chicago Title, Columbia Community Credit Union and WDFI
25 respectfully request that the Court enter the Order subjoined hereto.
26

SO STIPULATED this 5th day of August, 2010.

MILLER NASH LLP

SIRIANNI YOUTZ

MEIER & SPOONEMORE

/s/ Heather K. Cavanaugh

/s/ Richard E. Spoonemore

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Attorneys for Plaintiff

Attorneys for Defendant

Columbia Community Credit Union

Chicago Title Insurance Company

ROBERT M. MCKENNA

ATTORNEY GENERAL

/s/ Victor M. Minjares

Victor M. Minjares, WSBA # 33946

Attorneys for State of Washington

ex rel. Scott Jarvis in his official

Capacity as Director of the Washington

State Department of Financial Institutions

II. ORDER

Pursuant to the Stipulation of the parties and the WDFI, it is ORDERED that:

(1) This Court's interlocutory Orders dated April 24 and May 4, 2010 (Dkt. Nos. 101 and 106) are vacated;

(2) Chicago Title and its counsel shall destroy all paper and electronic copies of Columbia Community Credit Union examination reports and any documents quoting or summarizing any portions thereof in its possession, and counsel shall file a Declaration with the Court affirming that said destruction has been completed;

(3) Page 23, ln. 25 through page 27, ln. 21 of the Deposition of Parker Cann and page 31, ln. 17 to ln. 20 of the deposition of Jim Brekke shall be redacted and

1 not used in this case, and *Exhibits* 2 and 3 to the Cann deposition and pages CCU2900
2 to CCU29009 of *Exhibit 1* to the Brekke deposition shall be removed from the
3 depositions and destroyed.
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5 SO ORDERED this 9th day of August, 2010.
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9 ROBERT J. BRYAN
10 United States District Judge
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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel on the Electronic Mail Notice List; and I hereby certify that I have mailed, by United States Postal Service, the document to the counsel/parties on the Manual Notice List (if applicable):

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Manual Notice List

- [none]

DATED: August 10, 2010, at Seattle, Washington.

/s/ Richard E. Spoonemore